

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2828 OF 2018
IN
FIRST APPEAL NO.1353 OF 2010

Municipal Corporation of Greater Mumbai	 Applicant
V/s.	
Ahmedullah Fakrullah Khan and Ors.	 Respondents

Mr. Prashant Sutar for the Applicant-MCGM.

Mr. Vishwajeet S. Kapse for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Sutar, learned counsel for the Applicant-Municipal Corporation, and Mr. Kapse, learned counsel for the Respondents.

2. This is an application for condonation of delay of 259 days in filing the present application for setting aside abatement of the Appeal on the ground of death of the sole Respondent.

3. For the reasons stated in the Civil Application, as sufficient cause is made out, the delay is condoned and the application is allowed.

4. The order of abatement against the sole Respondent is set aside. Applicant-MCGM is permitted to bring on record the legal heirs of the sole Respondent, within a period of four weeks from today.
5. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]